

Message Text

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PAGE 01 LONDON 03800 01 OF 02 101859Z

47

ACTION L-03

INFO OCT-01 EUR-12 ISO-00 COME-00 EB-07 /023 W

----- 075449

R 101849Z MAR 76

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 9727

UNCLAS SECTION 01 OF 02 LONDON 03800

FOR: T. RAMSEY. LEGAL ADVISOR

E.O. 11652: N/A

TAGS: ACLM, BEXP

SUBJECT: APPEAL OF HERBERT I. MEYER

FOLLOWING WOULD INCLUDE TWO PROPOSED COMMERCE SETTLEMENT
AGREEMENTS AMENDED IN CONSULTATION WITH ROBERTSON.
MEETING WITH MEYER SCHEDULE FRIDAY, 12TH AT 3.30 P.M.

1. MEYER'S PROPOSED SETTLEMENT AGREEMENT READS:
QUOTE THIS AGREEMENT, MADE THIS BLANK DAY OF BLANK 1976
BY AND BETWEEN HERBERT I. MEYER (HEREINAFTER REFERRED TO
AS 'MEYER') AND THE UNITED STATES OF AMERICA ACTING
THROUGH AND BY THE DEPARTMENT OF STATE (HEREINAFTER
REFERRED TO AS 'CONTRACTING AGENCY')

WITNESSETH:

WHEREAS MEYER AND CONTRACTING AGENCY ARE PARTIES
TO A CERTAIN DISPUTE NOW PENDING BEFORE THE ARMED
SERVICES BOARD OF CONTRACT APPEALS AS CASE NO.
20633 (HEREINAFTER REFERRED TO AS THE 'APPEAL');
AND

WHEREAS THE PARTIES HERETO WISH TO RESOLVE THAT
DISPUTE WITHOUT FURTHER DELAY AND PROCEEDINGS

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL
PROMISES AND COVENANTS HEREIN CONTAINED, THE
PARTIES, IN RESOLUTION AND COMPLETE SETTLEMENT OF
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PAGE 02 LONDON 03800 01 OF 02 101859Z

THE AFOREMENTIONED CASE ARISING OUT OF CONTRACT

NO. S22-FA-2804(COMM) BETWEEN THE PARTIES, AGREE
AS FOLLOWS:

(1) CONTRACTING AGENCY WILL PAY TO MEYER THE SUM
OF 7.500 IN U.S. CURRENCY AT THE OFFICES OF THE
UNITED STATES EMBASSY IN LONDON, ENGLAND, ON OR
ABOUT MARCH 18, 1976.

(2) MEYER WILL WITHIN 7 DAYS OF SAID PAYMENT CAUSE
TO BE DELIVERED TO THE CONTRACTING AGENCY ALL
ORIGINAL PLANS, NEGATIVES, DRAWINGS, SPECIFICATIONS
AND OTHER RELEVANT DOCUMENTS AT HIS OWN COST TO-
GETHER WITH A LETTER SIGNED BY HIM AND WITNESSED BY
HIS SOLICITOR, MICHAEL C. WHATLEY, ACKNOWLEDGING
THAT HE HAS NO LIEN IN RESPECT OF ANY PLANS,
DRAWINGS OR OTHER DOCUMENTS REMAINING IN HIS POS-
SESSION OR CONTROL.

(3) MEYER AND HIS ASSOCIATE, MALCOLM COOK. WILL BE
INVITED TO ALL BICENTENNIAL CELEBRATIONS HELD AT
THE U.S. TRADE CENTER, LANGHAM PLACE, LONDON.
ENGLAND (HEREINAFTER REFERRED TO AS THE 'CENTER')
DURING THE CALENDAR YEAR 1976.

(4) MEYER WILL BE PERMITTED AT A MUTUALLY CONVENI-
ENT TIME TO BRING PROFESSIONAL ARCHITECTURAL
PHOTOGRAPHER TO THE CENTER AND TO TAKE PHOTOGRAPHS
PROVIDED THAT MEYER WILL WITHIN 14 DAYS SUPPLY TO
THE CONTRACTING AGENCY A FULL SET OF PRINTS OF ALL
NEGATIVES EXPOSED.

(5) CONTRACTING AGENCY MAY EXTEND TO MEYER THE
OPPORTUNITY TO BID ON A COMPETITIVE BASIS TO ACT AS
A CONSULTANT ARCHITECT.

(6) MEYER WILL SERVE IF SO REQUESTED BY THE
GOVERNMENT AS AN EXPERT WITNESS AT HIS CUSTOMARY
CONSULTING FEE OR AS A MATERIAL WITNESS WITHOUT FEE,
AS THE CASE MAY BE, IN ANY SUITS. APPEALS OR
ARBITRATION PROCEEDINGS BROUGHT BY SUBCONTRACTORS
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PAGE 03 LONDON 03800 01 OF 02 101859Z

AGAINST THE CONTRACTING AGENCY IN CONNECTION WITH
THE CENTER. IN ADDITION. MEYER WILL USE HIS BEST
EFFORTS TO RESOLVE SUCH DISPUTES IF SO REQUESTED.

(7) CONTRACTING AGENCY WILL NOT SEEK ANY DAMAGES
OR MONETARY CONTRIBUTION FROM MEYER IN CONNECTION
WITH ANY AMOUNTS IT MAY PAY VOLUNTARILY OR
INVOLUNTARILY TO D.L. VENN OR CLIFFORD CEILINGS.

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PAGE 01 LONDON 03800 02 OF 02 101904Z

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ACTION L-03

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FM AMEMBASSY LONDON

TO SECSTATE WASHDC 9728

UNCLAS SECTION 02 OF 02 LONDON 03800

(8) CONTRACTING AGENCY WILL NOT INITIATE ANY PUNITIVE ACTION AGAINST MEYER WITH ANY PROFESSIONAL ASSOCIATION OR GOVERNMENTAL AGENCY IN CONNECTION WITH THE SERVICES RENDERED OR FEES CHARGED BY MEYER TO THE CONTRACTING AGENCY IN CONNECTION WITH THE CENTER.

(9) MEYER WILL CAUSE THE APPEAL TO BE DISMISSED UPON HIS RECEIPT OF PAYMENT IN ACCORDANCE WITH SECTION (1) ABOVE. MEYER HEREBY AGREES THAT THE DEADLINE FOR FILING OF THE ANSWER OF THE CONTRACTING AGENCY IN THE APPEAL MAY BE EXTENDED BY THE BOARD OF CONTRACT APPEALS TO THE CLOSE OF ITS BUSINESS ON MARCH 18, 1976.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT THE DAY AND YEAR FIRST ABOVE WRITTEN.

WITNESS: HERBERT I. MEYER

UNITED STATES DEPARTMENT OF STATE

BY:-
AUTHORIZED OFFICER

2. MEYER'S PROPOSED SETTLEMENT AGREEMENT READS:
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PAGE 02 LONDON 03800 02 OF 02 101904Z

QUOTE THIS AGREEMENT, MADE THIS BLANK DAY OF BLANK
1976 BY AND BETWEEN HERBERT I. MEYER (HEREINAFTER
REFERRED TO AS 'MEYER') AND THE UNITED STATES OF
AMERICA ACTING THROUGH AND BY THE DEPARTMENT OF
STATE (HEREINAFTER REFERRED TO AS 'CONTRACTING
AGENCY')

WITNESSETH:

WHEREAS MEYER AND CONTRACTING AGENCY ARE PARTIES
TO A CERTAIN DISPUTE NOW PENDING BEFORE THE ARMED
SERVICES BOARD OF CONTRACT APPEALS AS CASE NO. 20633
(HEREINAFTER PREFERRED TO AS THE 'APPEAL'); AND
WHEREAS THE PARTIES HERETO WISH TO RESOLVE THAT
DISPUTE WITHOUT FURTHER DELAY AND PROCEEDINGS

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL
PROMISES AND COVENANTS HEREIN CONTAINED, THE
PARTIES, IN RESOLUTION AND COMPLETE SETTLEMENT OF
THE AFOREMENTIONED CASE ARISING OUT OF CONTRACT
NO. S22-FA-2804(COMM) BETWEEN THE PARTIES, AGREE
AS FOLLOWS:

(1) CONTRACTING AGENCY WILL PAY TO MEYER THE SUM
OF 9,100 IN U.S. CURRENCY AT THE OFFICES OF THE
/UNITED STATES EMBASSY IN LONDON, ENGLAND ON OR
BEFORE MARCH 18, 1976.

(2) MEYER WILL WITHIN 7 DAYS OF SAID PAYMENT CAUSE
TO BE DELIVERED TO THE CONTRACTING AGENCY ALL
ORIGINAL PLANS, NEGATIVES, DRAWINGS, SPECIFICATIONS
AND OTHER RELEVANT DOCUMENTS AT HIS OWN COST
TOGETHER WITH A LETTER SIGNED BY HIM AND WITNESSED
BY HIS SOLICITOR, MICHAEL C. WHATLEY, ACKNOWLEDGING
THAT HE HAS NO LIEN IN RESPECT OF ANY PLANS,
DRAWINGS OR OTHER DOCUMENTS REMAINING IN HIS
POSSESSION OR CONTROL.

(3) MEYER WILL CAUSE THE APPEAL TO BE DISMISSED
UPON HIS RECEIPT OF PAYMENT IN ACCORDANCE WITH
SECTION (1) ABOVE. MEYER HEREBY AGREES THAT THE
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PAGE 03 LONDON 03800 02 OF 02 101904Z

DEADLINE FOR FILING OF THE ANSWER OF THE
CONTRACTING AGENCY IN THE APPEAL MAY BE EXTENDED BY
THE BOARD OF CONTRACT APPEALS TO THE CLOSE OF ITS
BUSINESS ON MARCH 18, 1976.

IN WITNESS WHEREOF. THE PARTIES HERETO HAVE
EXECUTED THIS AGREEMENT, THE DAY AND YEAR FIRST
ABOVE WRITTEN.

WITNESS: HEREBERT I. MEYER

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Margaret P. Grafeld
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TAGS: ACLM, BEXP
To: STATE
Type: TE
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